

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG)

**MOTION SUBMITTING POSITION ON DISQUALIFICATION IN COMPLIANCE
WITH ORDER AT DOCKET NO. 1224**

TO THE HONORABLE COURT:

Plaintiff, the United States of America, by and through the undersigned counsel, and in compliance with the Court's Order of May 23, 2019, Docket No. 1224, respectfully submits its position on whether this Court or McConnell Valdés (McV) should be disqualified from this case. As set forth in the attached Memorandum in Support of the United States' Position, the former Monitor's allegations do not raise issues that would disqualify this Court or McV from continuing to participate in this litigation.

1. On May 14, 2019, the former Monitor notified that he was departing his monitoring duties effective immediately. Order, Docket No. 1218. Since departing, the former Monitor has alleged publicly that the Court acted unethically by allowing McV to appear as counsel for Defendants and that a conflict of interest exists because the Court's father works at McV.

2. On May 23, 2019, because the issue arose recently and extrajudicially, the Court instructed the United States to "state its position as to the disqualification of both the undersigned and McConnell Valdes" by May 29, 2019. Order, Docket No. 1224. The Court

further instructed the United States to file its position in restricted mode for viewing only by the United States and McV.

3. In compliance with the May 23 Order, the United States submits the attached Memorandum with its position on disqualification. As instructed by the Court, the United States reviewed *Oriental Financial Group, Inc. v. Federal Insurance Company, Inc.*, 450 F. Supp. 2d 169 (D.P.R. 2006), the Code of Conduct for United States Judges, and the respective advisory opinions.

WHEREFORE, the United States respectfully requests that this Court take notice of the United States' position on disqualification.

I HEREBY CERTIFY that on this date I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties, counsel of record and the Acting Monitor on the service list to be served by electronic means.

Respectfully submitted, this 31st day of May, 2019,

STEVEN H. ROSENBAUM
Chief, Special Litigation Section
Civil Rights Division

s/Luis E. Saucedo

TIMOTHY D. MYGATT

Deputy Chief

LUIS E. SAUCEDO (G01613)

Counselor to the Chief & Senior Trial Attorney

JORGE CASTILLO (G02912)

Trial Attorney

U.S. Department of Justice

Civil Rights Division

Special Litigation Section

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 598-0482

Fax: (202) 514-4883

luis.e.saucedo@usdoj.gov

Attorneys for the United States